IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 2812 OF 2006.

1. Dilip Dattaram Rane
2. Sachin Kasinath Jadhav .. Applicants

V/s

State of Maharashtra .. Respondents.

Mr. Milan Desai i/b M/s Mahesh R. Patil for the applcants.

Mr. S.S. Pednekar, A.P.P.for the State.

CORAM : S.C. DHARMADHIKARI, J.

DATE : 28TH AUGUST, 2006.

P.C.

. The applicants are arrested in connection with RC.No.117/2006 registered at Samata Nagar Police Station for the alleged offences of forgery and cheating.

2. The applicants were arrested in connection with CR.No. 52/2006 and another CR. lodged with Goregaon Police Station alleging identical offences.

3. The applicants are enlarged on bail and a copy of the order passed by the learned Sessions Judge, in CR.No. 52/2006 has been produced by the learned Counsel appearing for the applicants.

4. Mr. Pednekar, the learned A.P.P. does not dispute that the applicants are enlarged on bail in Cr.No.52/2006 which is also alleging identical offences.

5. The learned Counsel for the applicants submits that in so far as allegations are concerned the applicants are not impersonators. Impersonator main accused is yet to be arrested. However, the applicants have neither accompanied the main accused to various shops/premises and made any purchase nor any role attributed to them with regard to no-delivery of the credit cards and misappropriating or misusing them . In such circumstances and when the only ground on which the applicant was denied bail is because of pendency of other cases, in which also they are enlarged on bail, The present application deserves to be considered sympathetically.

6. The learned A.P.P. States that these are serious offences, where a gang is operating which steals the credit cards and utilises them and thereafter neither credit cards nor the persons concerned are traced.

7. He further submits that the allegations are serious. The applicants have facilitated the commission of the crime in as much as, as per the learned Sessions Judge, the applicants provided forged documents to the absconding accused Vijay Koli.

8. After perusing the application and annexures thereto, including order dated 18th July, 2006 passed in Bail Application No. 1378/2006 wherein the applicants before me are also accused and have been enlarged on bail in connection with identical offences, the case of present applicants deserves to be considered sympathetically. It is reported to me that they have not flouted the conditions imposed upon them. It is true that one more CR. is registered at Goregaon Police station is being investigated but the applicants are enlarged on bail in that as well. Hence the following order:-

i) The applicants arrested in connection with Cr.No 117/2005 registered with Samata Nagar Police Station shall be enlarged on bail subject to furnishing a personal bond of Rs. 15,000/- each with one or two

local sureties in the like amount.

ii) The bail is granted subject to condition that the applicants to report to Samata Nagar Police Station twice a week i.e. on Tuesday and Thursday till the conclusion of the trial.

iii) The applicant No.1 will not leave Mumbai and applicant No.2 will not leave Palghar without prior permission of the Court.

iii) The order of bail will be given effect only after the applicants furnishes to the investigating officer the details about their places of residence and address where they proposes to stay after they are enlarged on bail. The applicants will not change their residential address thereafter till the conclusion of trial without prior intimation to the Investigating officer.

iv) The bail is granted subject to condition that the applicants shall not directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with the prosecution

evidence.

v) The applicants shall cooperate with the learned Trial Judge for expeditious disposal of the case. Any attempt by the applicants to delay the trial may be a ground for cancellation of bail.

vi) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vii) Application is disposed of in above terms.

viii) Parties to act on an authenticated copy of this order.

(S.C. DHARMADHIKARI, J.)